

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is on file)

Offender Name: Kevin ORTON

Docket Number: 2:03CR00348-04

Offender Address: Currently in Custody

Judicial Officer: Honorable Frank C. Damrell, Jr.
United States District Judge
Sacramento, California

Original Sentence Date: 05/16/2005

Original Offense: 18 USC 1028(a)(7) and (b)(2)(B) - Use of False
Identification Documents
(CLASS E FELONY)

Original Sentence: 5 months custody; 12 months supervised release;
\$9,000 restitution; \$100 special assessment.

Special Conditions: 5 months home detention; Financial restrictions and
disclosure; Participate in drug/alcohol testing and
counseling; Co-pay \$25 per month for aftercare costs;
Submit to DNA collection.

Type of Supervision: Supervised Release

Supervision Commenced: Scheduled to commence December 4, 2005

Assistant U.S. Attorney: Daniel S. Linhardt **Telephone:** (916) 554-2700

Defense Attorney: Timothy L. Zindel **Telephone:** (916) 498-5700

Other Court Action: None

RE: Kevin ORTON
Docket Number: 2:03CR00348-04

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. The defendant shall abstain from the use of alcoholic beverages and shall not frequent those places where alcohol is the chief item of sale.
2. The defendant shall submit to not more than eight (8) drug and alcohol tests a month during the period of supervision.

Justification: Mr. Orton will be supervised by the Central District of California upon his release from custody. They have requested modification of the above conditions so as to more effectively supervise him in the community. Mr. Orton has agreed to these modifications and the waiver is on file.

Respectfully submitted,

/s/ Deborah A. Spencer

DEBORAH A. SPENCER
Supervising United States Probation Officer
Telephone: (916) 683-3322

DATED: October 27, 2005
Elk Grove, California
DAS:jz

RE: Kevin ORTON
Docket Number: 2:03CR00348-04

THE COURT ORDERS:

- ☒ (X) Modification approved as recommended.
- ☐ () Modification not approved at this time. Probation Officer to contact Court.
- ☐ () Other:

November 7, 2005

Date

/s/Frank C. Damrell, Jr.

Signature of Judicial Officer

cc: United States Probation
Daniel S. Linhardt, Assistant United States Attorney
Timothy L. Zindel, Assistant Federal Defender
Defendant
Court File

Attachment: Presentence Report (Sacramento only)